

REMARKS

In accordance with the foregoing, claims 11 - 14, 19 - 20, 22 - 24, and 27 - 31 are canceled and claims 1, 10, 16 - 18 and 21 are amended. No new matter is presented in this Supplemental Amendment.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 10 - 11 and 21 - 22 were rejected in the Office Action of May 10, 2006 under 35 U.S.C. §102(b) over Kashiwara et al. (U.S. Patent 5,793,741). Reconsideration of this rejection in view of the additional amendments and arguments presented herein is respectfully requested.

Independent claim 10 is further amended to define the optical information storage medium as including a lead-in area, a lead-out area and a user data area and to provide that the lead-in area has a first area in which first data is recorded in corresponding first tracks and in which adjacent pairs of the first tracks have a first track pitch; and a second area of the lead-in area in which second data is recorded in corresponding second tracks, and in which adjacent pairs of the second tracks have a second track pitch other than the first track pitch. Similar changes are made in independent claim 21 to the definition of the optical information storage medium that is read by the apparatus. Claims 11 and 22 are canceled without prejudice or disclaimer.

Supplemental to the arguments provided in Applicants' response of August 7, 2006, the Examiner is requested to note that Kashiwara et al. does not teach or suggest any optical information storage medium that includes a lead-in area that has a first area and a second area and does not teach or suggest any apparatus for reading such an optical information storage medium, as required by the currently amended claims. More specifically, Kashiwara et al. does not teach or suggest any optical information storage medium that includes a lead-in area in which first data is recorded in corresponding first tracks and in which adjacent pairs of the first tracks have a first track pitch; and a second area of the lead-in area in which second data is recorded in corresponding second tracks, and in which adjacent pairs of the second tracks have a second track pitch other than the first track pitch.

Therefore, the rejection of claims 10 and 21 under 35 U.S.C. §102(b) over Kashiwara et al. (U.S. Patent 5,793,741) should be withdrawn for this additional reason.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 1 - 9, 12 - 20 and 23 - 31 were rejected in the Office Action of May 10, 2006

under 35 U.S.C. §103(a) over the Applicants' allegedly admitted prior art in view of Kashihara, et al. Reconsideration of this rejection in view of the additional amendments and arguments presented herein is respectfully requested.

Independent claim 1 is further amended to provide that a first track pitch between adjacent tracks in a portion of the lead-in area is different from a second track pitch between adjacent tracks in another portion of the lead-in area. Claims 11 – 14, 19 – 20, 22 – 24, and 27 – 31 are canceled. Claims 16 – 18 are amended to be consistent with amended claim 10, discussed above.

The alleged Applicants' admissions of prior art do not teach or suggest an optical storage medium in which a first track pitch between adjacent tracks in a portion of the lead-in area is different from a second track pitch between adjacent tracks in another portion of the lead-in area. Moreover, as discussed above, this feature is not taught or suggested in Kashihara et al.

Therefore, the rejection of claims 1 – 9, 15 - 20 and 25 - 26 under 35 U.S.C. §103(a) over the Applicants' allegedly admitted prior art in view of Kashihara, et al. should be withdrawn for this additional reason.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date:

August 28, 2006

By:



Ralph T. Webb
Registration No. 33,047

1400 Eye St., NW
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510